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IPSWICH CONSERVATION COMMISSION
Meeting Minutes
September 2, 2015

Pursuant to a written notice posted by the Town Clerk and delivered to all Conservation Commission members, a meeting was held Wednesday, September 2, 2015 at 7:06 p.m. in Room A of the Ipswich Town Hall. Members present were Chairman Jennifer Hughes, Vice-Chair Sissy ffolliott, Commissioners Brian O'Neill, Catherine Carney-Feldman, William McDavitt, Michele Hunton and Associate Commissioner Raymond Putnam. Also present was Agent Alicia Geilen and Recording Secretary Cathy Miaskiewicz. Absent with prior notice was Commissioner David Standley.

DEFINITION INDEX:

BVW - Bordering Vegetative Wetland

COC – Certificate of Compliance

CR – Conservation Restriction

DEP - Department of Environmental Protection

EO – Enforcement Order

ICC – Ipswich Conservation Commission

NOI – Notice of Intent

NDZ – No-Disturbance Zone

O & M Plan – Operations and Maintenance Plan: An O&M plan is an indication that a facility is in continued compliance with applicable regulations and permit conditions

OOC – Order of Conditions

ORAD – Order of Resource Area Delineation

RDA – Request for Determination of Applicability (*below is a list of possible outcomes for RDAs*)

Negative #2 Determination– This is an approval for work in in resource areas

Negative #3 Determination– This is an approval for work in in buffer zones

Negative #5 Determination – This is approval for work that meets the requirements of an exception under the WPA

Negative #6 Determination– This is an approval for work under the Ipswich Wetland Protection Bylaw

Positive Determination – This is a denial requiring an NOI to be filed should the applicant wish to pursue

RPA - Riverfront Protection Act

WPA – Massachusetts Wetlands Protection Act (310 CMR 10.00 *et seq.*)

Citizen's Queries: None

Ongoing Matters for THIS Sessions:

MATTER: Charles Shurcliff for work at **203 Argilla Road** shown on **Tax Map 56, Lot 8** for a **REQUEST FOR DETERMINATION OF APPLICABILITY** to install a sewer disposal system in jurisdictional areas.

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DISCUSSION: Present was John Judd from Gateway Consultants, Inc. representing the applicant. The applicant submitted revised plans with the wetland line as determined by the Agent. Mr. Judd stated that the plan to install the sewer system had been approved by the Board of Health. Agent Geilen did a site visit where she looked at soils to determine a more accurate wetland line. However, the Agent stated that the revised wetland line did not change the project's ability to be approved under a Negative Determination. Chairman Hughes suggested adding pre- and post-construction inspection for erosion controls.

RECOMMENDATION OF AGENT:

To issue a Negative Determination #3 and #6 with special conditions as discussed.

MOTION:

♦ **A motion was made by Vice-Chair ffolliott to issue a Negative Determination #3 and #6 with pre- and post-construction inspections. The motion was seconded by Commissioner Carney-Feldman and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Pre- and post-construction inspection*

DOCUMENT LIST:

Revised plans entitled, "Replacement Sewage Disposal System Plan" dated 8/18/15 and prepared by Gateway Consultants, Inc.

MATTER: 36-1265: George A. Soffron for work at **1 Jay Road** shown on **Tax Map: 15B, Lot: 8A 0** for a **NOTICE OF INTENT** for **renovations of an existing structure, appurtenances and new septic system** in jurisdictional areas.

DISCUSSION: Present was Laura Krause from DeRosa Environmental Consulting, Inc., Larry Graham of H. L. Graham Associates and George Soffron, applicant. Mr. Graham presented the plan which showed revisions on the septic tanks. [Discussion: elevation levels and drainage calculations.] **Abutter**, Katherine Shaw of 2 Jay Road spoke. Ms. Shaw was concerned about the drainage coming from Northridge Road causing Jay Road to wash away. She wanted to know if the commission would do any work with the drainage problem. Chairman Hughes explained that since they are private roads, the people abutters need to work together on upgrades and repairs. She stated Ms. Shaw could get together with neighbors, and contact the ICC if they decide to do anything. Agent Geilen assured Ms. Shaw that the field inspector would be out at the site during construction and would let ICC know if there were any problems. Mr. Graham discussed the drainage into Jay Road and showed the improvements that had been made. Chairman Hughes stated that a waiver of NDZ and NBZ had been requested. [Discussion: further encroachment and proposed SWM as mitigation.]

RECOMMENDATION OF AGENT:

To close the public hearing and issue a positive OOC with special conditions including monumentation.

MOTION:

♦ **A motion was made by Commissioner Carney-Feldman to approve the waivers for NBZ and NDZ as requested. The motion was seconded by Commissioner O'Neill and passed unanimously.**

♦ **A motion was made by Commissioner Carney-Feldman to close the public hearing and issue a positive OOC with special conditions including monumentation. The motion was seconded by Commissioner McDavitt and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Monumentation*

DOCUMENT LIST:

Revised plan entitled, "Permit Plan" dated 8/26/15 and prepared by Graham Associates, Inc.

MATTER: 36-1266: Mike Wallis for work at **4 Nuthatch Road** shown on **Tax Map: 15B, Lot 026** for an **after-the-fact NOTICE OF INTENT** for **site improvements made** in jurisdictional areas.

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DISCUSSION: Present was Larry Graham of H. L. Graham Associates. Mr. Graham presented the plan revisions with new monumentation and added recommended shrubs. [Discussion: drainage.] Agent Geilen noted that the requested waivers were approved at the last meeting. Chairman Hughes stated that bark mulch used in the Mitigation Area must be temporary.

RECOMMENDATION OF AGENT:

To close the public hearing and issue a positive OOC with special conditions.

MOTION:

♦ **A motion was made by Vice-Chair ffolliott to close the public hearing and issue a positive OOC with special conditions. The motion was seconded by Commissioner McDavitt and passed unanimously.**

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ *Bark mulch temporary in mitigation area*

DOCUMENT LIST:

Revised plan entitled, "Permit Plan" dated 8/26/15 and prepared by Graham Associates, Inc.

MATTER: 36-1253: Riverine, LLC for work at **27 Water Street** shown on **Tax Map: 31D, Lot: 91A** for a **NOTICE OF INTENT** to reconstruct multi-family home, gangway/ramp and floats and construction of public access deck in jurisdictional areas.

DISCUSSION: Present was Larry Graham of H.L. Graham Associates and Curt Young of Wetlands Preservation Inc. Mr. Graham discussed the site plan changes. Mr. Graham stated that they reduced the footprint of the building such that the proposed building is now entirely within the previous footprint of the old building. [Discussion: green area along seawall and infiltration system with new roof area, and changes thereto.] [Discussion: profile sections and trench drain detail, sediment and oil separator detail.] Mr. Graham showed a chart titled "Coverage Comparison Table" which gave the previously existing conditions compared with the proposed conditions for the building footprint. The structure footprint and roof are impervious surfaces. Soil testing was included in the revisions. Agent Geilen asked who had done the soil testing, and if an Licensed Site Professional (LSP) was present. Mr. Graham stated they used a certified soil tester which the Board of Health had used because the soil testing was related to septic and SWM design. [Discussion: soils only inspected visually; soils findings; monitoring well/water levels findings.] [Discussion: erosion controls; ground water suitability.] Mr. Graham postulated that contamination in soil is not a concern because the soils are flushed twice a day with the tides. The Commission noted that the 21E peer review would likely address that. [Discussion: O&M plan for snow management still needed.] [Discussion: DPW approval process and status.]

Mr. Young spoke about the revised regulatory analysis and the compliance document. [Discussion: Ch. 91 RDA/abutter notification proof needed.] [Discussion: vegetation in mitigation area; shrubs are suitable if they choose correctly. *Rosa rugosa* is a non-native possibility.] Mr. Young stated that ENPRO Services Inc. did the clean up after the fire and that they had removed hazardous materials. [Discussion: what hazardous materials were removed.] [Discussion: Open Space Administrator's research on possible off-site mitigation projects.] Mr. Young suggested putting money in a fund and have a deed restriction that permits continued public use of Coastal Bank as mitigation. Chairman Hughes was not in favor of this and felt that mitigation needs to be project-based not cost-based. [Discussion: no structural engineer details on seawall repairs/concrete deck to be replaced.] ICC would want to see details of seawall repairs. [Discussion: reuse of two concrete footings in river; others to be left as is.]

Abutter: Bill Nelson of 29 Water Street stated that they did not receive abutter notice of the RDA under Ch. 91. He stated that no one in the neighborhood received it. Chairman Hughes explained that the Commission had questioned this as well, and had requested proof of the mailing. **Abutter:** Barbara Monahan of 15 Damon Ave. expressed concern over protection of the river and protecting the site's historical archaeology. Chairman Hughes explained that the ICC only has jurisdiction over wetlands, not tourism, the local economy, or historic sites. Ms. Monahan also expressed concerns about moneys involved on this project. **Abutter:** Michael McGarty of 32 Water

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Street asked about the 21E report status. Agent Geilen stated that a draft document had been received and would be available once finalized. Mr. McGarty was concerned with SWM infiltration and seawall integrity. There were no more comments from the audience.

Mr. Graham continued to discuss the ICC role, and the peer reviews. Chairman Hughes stated that the Commission had advised the applicant about the need for a structural engineer, and the need to review all peer review reports. Mr. Young mentioned some legal issues that were still not addressed, and asked if the Commission would come up with a list of outstanding items/areas of disagreement. Chairman Hughes stated that she wants to wait for the peer review reports to see if the peer reviewers agree with Commission's interpretations. Mr. Young asked again about access easement as part of mitigation. Chairman Hughes stated that ICC has considered land protection as mitigation but not protecting public access. Agent Geilen stated that she had looked into alternative, off-site public access options that would meet Ch. 91 requirements and possibly be better for the subject property as well in terms of privacy, as well as the safety of the public – a win-win situation. She noted that she has been trying to identify creative alternatives for on-site and off-site mitigation requirements, as well as off-site public access, so that the project could move forward toward approval. [Discussion: off-site mitigation options/not accepting a check but do an actual project/ICC does not agree with access as mitigation.]

Agent Geilen spoke directly to the abutters of 27 Water Street about the historic problem of mowing Coastal Bank. She stated that this practice must stop immediately. Letters may be sent by her office to the neighborhood to get the word out.

RECOMMENDATION OF AGENT:

To continue to September 16, 2015 pending receipt of regulatory peer review.

MOTION:

♦ A motion was made by Vice-Chair ffolliott to continue until September 16, 2015 pending receipt of regulatory peer review. The motion was seconded by Commissioner O'Neill and passed unanimously.

ACTION ITEMS / SPECIAL INSTRUCTIONS:

❖ None

DOCUMENT LIST:

Supplemental Engineering Report dated 8/19/15 and prepared by Graham Associates, Inc., Exhibit "OVHG" dated 8/19/15 and prepared by Graham Associates, Inc., Letter Re: Comments Riverine, LLC, 27 Water Street, dated 8/14/15 and prepared by Ipswich River Watershed Association, Submittal response to Administrator's Comments from a letter dated 8/3/15, prepared by Wetlands Preservation Inc. and dated 8/19/15.

Other Business:

MATTER: 36-1238: 95 Turnpike Rd, request for a Minor Modification (to relocate proposed dumpster pad)

DISCUSSION: Present was Peter Pommersheim from Meridian Associates. They are requesting a minor modification to move the location of the dumpster to a paved and curbed location 18' closer to the wetlands, but still outside of the subzones. [Discussion: reason for moving it/better access to building/interference with vehicles/concerns moving closer to wetland/concerns of illegal dumping.] Mr. Pommersheim stated that a sloped granite curb would be used around the paved dumpster area to direct all stormwater to a catchbasin. Chairman Hughes stated that if it drains onto pavement they would be inclined to allow it. She stated however that if the Planning Board does not approve it, then the ICC would not approve.

RECOMMENDATION OF AGENT:

To approve the minor modification pending Planning Board approval.

MOTION:

♦ A motion was made by Commissioner McDavitt to approve the minor modification pending Planning Board approval. The motion was seconded by Vice-Chair ffolliott and passed

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unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ ICC approval pursuant to Planning Board approval
DOCUMENT LIST: <i>Request for Minor Modification Letter dated 8/26/15 and prepared by Meridian Associates Inc., Ipswich Wetlands Protection By-law Filing Fee Calculation Worksheet, Proposed Site Plan Changes entitled, "Sketch Plan to Accompany a Minor Modification Request" prepared by Meridian Associates, Inc., dated 8/25/15.</i>

MATTER: Possible Land Donations (Ingemi, 48 Turnpike Rd)
DISCUSSION: There was no one present for this matter. Agent Geilen presented the matter, regarding a possible donation of a mostly wetland parcel on Route 1 near the intersection with Linebrook Road. ICC does not want the land or the responsibility of having to police dumping and obvious current signs of encroachment by neighbors (seen on aerial photos).
RECOMMENDATION OF AGENT: none
MOTION: ♦ N/A
ACTION ITEMS / SPECIAL INSTRUCTIONS: ❖ None
DOCUMENT LIST: None

Enforcement Actions:

MATTER: Possible unpermitted work, float and gangway at 6 Agawam Avenue, Blagg.
DISCUSSION: There was no one present for this matter, as the property owner is out of town. Agent Geilen stated that she had sent a "possible unpermitted activity" letter to the owners. The structure has never been permitted by the Commission or the Harbormaster/Police. The float has no feet and so it sits on the tidal flat in ACEC. The owner asked for a continuance to 9/16/15.
RECOMMENDATION OF AGENT: <i>To continue to September 16, 2015.</i>
MOTION: ♦ A motion was made by Commissioner Carney-Feldman to continue to September 16, 2015. The motion was seconded by Commissioner McDavitt and passed unanimously.
ACTION ITEMS / SPECIAL INSTRUCTIONS: None
DOCUMENT LIST: None

Requests for Certificates of Compliance:

MATTER: 36-445: 3 Brentwood Way, Gray request for Certificate of Compliance.
DISCUSSION: There was no one present for this matter. Agent Geilen stated that the drainage system approved under this OOC was built under #36-981.

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RECOMMENDATION OF AGENT: <i>To issue a COC for an invalid OOC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to issue a COC for an invalid OOC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request</i>

MATTER: 36-981: 3 Brentwood Way, Gray request for Certificate of Compliance
DISCUSSION: There was no one present for this matter. Agent Geilen referred to her notes to the ICC that this was for a drainage system to alleviate flooding from a low area in the side yard. It consists of a manhole to a drywell, a pipe to an outlet near the wetlands, and a small rip rap splash pad. The drainage system was installed as approved.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request, As-built plan entitled "Plan to Accompany a COC Request" dated 8/19/15 and prepared by Graham Assoc., Inc.</i>

MATTER: 36-1151: 161 Argilla Road, Clapp request for Certificate of Compliance
DISCUSSION: There was no one present for this matter. Agent Geilen stated that she did a site visit and that everything was fine and that all was stabilized.
RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Hunton to issue a full and final COC. The motion was seconded by Commissioner McDavitt and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

MATTER: 36-1195: 4 Hovey St, Dick request for Certificate of Compliance
DISCUSSION: There was no one present for this matter. Agent Geilen stated that everything was all set.

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RECOMMENDATION OF AGENT: <i>To issue a full and final COC.</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Vice-Chair ffolliott to issue a full and final COC. The motion was seconded by Commissioner O'Neill and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>COC request</i>

Discussion Items:

MATTER: Ipswich Wetland Protection Bylaw Proposed Revisions.
DISCUSSION: This was a second opportunity for the public to hear the bylaw revisions because the doors were accidentally locked at the last meeting. There was no one present for this matter.
RECOMMENDATION OF AGENT: <i>None</i>
MOTION: <p style="text-align: center;">♦ A motion was made by Commissioner Carney-Feldman to re-approve submission of the bylaw changes, as amended by the Agent. The motion was seconded by Vice-Chair ffolliott and passed unanimously.</p>
ACTION ITEMS / SPECIAL INSTRUCTIONS: <p style="text-align: center;">❖ <i>None</i></p>
DOCUMENT LIST: <i>None</i>

The ICC also discussed designs for signage. Agent Geilen showed the Commission some hand-drawn sketches by her daughter. The sketch of the marbled salamander was selected.

Approval of Minutes: 7/1/15

♦ A motion was made by Vice-Chair ffolliott to approve the minutes from July 1, 2015, as amended. The motion was seconded by Commissioner McDavitt and passed unanimously.

Document Signage: (No Vote Required)

- **36-1264:** 68 Linebrook Road, Vose, approved at the 8/19/15 meeting.
- **36-1160:** 6-8 Topsfield Road, EBSCO, full and final COC approved on 11/28/2012.

Adjournment:

♦ A motion was made by Vice-Chair ffolliott to adjourn the meeting at 8:46 p.m. The motion was seconded by Commissioner McDavitt and passed unanimously.

Respectfully submitted,

Cathy Miaskiewicz

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Cathy Miaskiewicz
Recording Secretary

These minutes are the summary of a taped meeting and of secretarial notes. As such, the Ipswich Conservation Commission reserves the right to supplement these minutes with tapes and vice versa, to reflect the proceedings. The Ipswich Conservation Commission does not guarantee the quality of the tapes, nor does it exclusively rely upon them.